

**THE FAYETTE COUNTY PLANNING COMMISSION** held a **Public Meeting/Workshop** on November 19, 2009, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Board of Commissioners Conference Room, Suite 100, Fayetteville, Georgia.

**MEMBERS PRESENT:** Douglas Powell, Chairman  
Tim Thoms, Vice-Chairman  
Bill Beckwith  
Jim Graw  
Al Gilbert

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Pete Frisina, Director of Planning & Zoning  
Dennis Dutton, Zoning Administrator  
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

**Welcome and Call to Order:**

Chairman Powell called the Public Meeting/Workshop to order and introduced the Board Members and Staff.

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**1. Discussion of proposed amendments to the Fayette County Zoning Ordinance, in its entirety. *This is part of a year long review of the Zoning Ordinance.***

Dennis Dutton presented the proposed amendments as follows:

**ARTICLE III. DEFINITIONS**

Words and terms not explicitly defined in this Ordinance shall have the meaning given by common and ordinary use as defined in Webster's New Collegiate Dictionary. ***The word "shall" is always mandatory while the word "may" is merely discretionary.*** The following specific definitions shall apply:

Accessory. A use or structure customarily incidental and subordinate to the principal use or structure and located on the same lot as such principal use or structure.

Acre, gross. A measure of land equal to 43,560 square feet.

Acre, net. A gross acre less: street rights-of-way, both public and private; all land located within the 100 year flood plain; all water/stormwater impoundments; and all lands proposed to be dedicated to a governing authority.

Adult Day Care Facility. Adult Day Care Facilities shall include any building, or portion thereof, used to house four (4) or more adults requiring care, maintenance, and supervision for part of a day. (Adopted 06/28/07)

Aircraft. *Any machine, whether heavier or lighter than air, used or designated for navigation of, or flight in, the air.*

Aircraft Landing Area. *Areas designed for safe landing and departures, including runways and heliport.*

Airplane. *A fixed-winged aircraft that is supported in flight by dynamic reaction of the air against its wings.*

Alteration. ~~Any change in the supporting members of a building; any addition to or reduction of a building; any change in use; or any relocation of a building.~~ *Any construction or renovation to an existing structure, other than repair.*

Agriculture. The raising of soil crops, *including forestry and landscape planting materials* and/or livestock in a customary manner on lots of land at least five (5) acres in size, including all associated activities.

Aircraft Hangar. *Defined as a fully enclosed structure with operational doors designed to store aircraft and the associated equipment or supplies needed for the operation and maintenance of the aircraft.*

Animal. For the purpose of this ordinance the word animal shall mean either a domestic dog (canis familiaris) or domestic cat (felis catus) *(see Kennel)*. It shall not include livestock (see Sec. 3-62: *Livestock*). ~~The number of animals kept shall be limited to three (3).~~ (Adopted 08/25/05)

Animal, Exotic Wild. This shall include any species or family or breed (including hybrids) of ~~exotic~~ *wild* animals listed by the Georgia Department of Natural Resources (DNR) as being ~~exotic~~ or wild (State law Ref. O.C.G.A. '27-5-4 *Title 27, Chapter 5* as presently stated and as hereafter amended). Unless otherwise provided in O.C.G.A. '27-5-4 *Title 27, Chapter 5* as presently stated and as hereafter amended; it shall be prohibited for any person to import, transport, transfer, sell, purchase, or possess any wild or ~~exotic~~ animal listed in O.C.G.A. '27-5-5 *Title 27, Chapter 5* as presently stated and as hereafter amended. (Adopted 08/25/05)

Chairman Powell suggested to add “see Livestock” at the end of the definition.

Antenna. Any exterior apparatus designed for telephonic, radio, or television communication through the sending and/or receiving of electromagnetic waves.

Automobile Service Station. A land use where gasoline, oils, greases, batteries, tires, and general automobile accessories may be provided, but where no part of the premises is used for the storage or dismantling of wrecked or junked vehicles.

Basement. ~~The area below the first floor level in a building and having not more than one-half (2) of its height above grade.~~ ***That portion of a building that is partially or completely below grade. To be considered a basement as opposed to a story above grade, the finished surface of the floor above the basement may not be more than six (6) feet above grade plane; may not be more than six (6) feet above the finished ground level for more than 50 percent of the total building perimeter and may not be more than 12 feet above the finished ground at any point.***

Tim Thoms asked for an explanation of basement.

Pete Frisina explained the definition came directly from the building code and P&Z wanted to use the same terminology.

Pete Frisina stated “bed and breakfast” would be added with the notation to “see Hotel” since it was not currently in the ordinance.

Breezeway. A roofed, open-sided or screened passageway connecting two (2) structures, such as a house and a garage.

Buffer, Visual. A portion of a ~~parcel~~ ***lot*** which is set aside to provide a visual separation from abutting ~~parcels, uses, or streams~~ ***lots***, ~~through the use of natural vegetation or other means including replanting or the provision of supplemental plantings or other visual screening elements or noise attenuation devices.~~ ***(See Development Regulations, Article V.)***

Building. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure ***for*** any person, animal, process, equipment, goods or property of any kind.

Building Height. The vertical distance of a building measured from the median height of the basement level or crawl space to the midpoint of the highest roof. The midpoint shall be measured from the ceiling joist of the highest floor level to the top of the highest roof surface. For structures constructed without a basement or crawl space, the measurement will be taken beginning at the ground floor level. **Architectural features, which are not utilized for habitable space, shall not be included in the calculation of building height.** See also, Tower Height. (Amended 07/24/03; 05/26/05)

Building Line, Front. A line running between the side property lines as parallel as possible to the street which touches the nearest point of the principal structure to the street. (Amended 01/24/08)

Building Line, Minimum. (Deleted in its entirety 01/24/08)

Chairman Powell stated to delete “building line, minimum” in its entirety.

Building, Principal. A building in which the principal use of the lot is conducted.

~~Business Park. A planned center for the delivery of goods and services consisting of at least ten (10) acres and identifiable as a unit.~~

~~Business Vehicles. Any vehicle used for business purposes whether or not the owner is a private or governmental entity except that school buses shall be excluded.~~ **Relocate to Vehicles, Business.**

Cabana. An open or partially enclosed structure used in conjunction with a pool or lake/pond commonly containing a changing area, and/or seating area, and/or a restroom. (Amended 01/24/08)

Campground Facilities. Any lot where two (2) or more recreational vehicles and/or tents (which are normally associated with outdoor camping) are parked and/or erected for short-term occupancy ~~of fifteen (15) days or less.~~

Care Home. A convalescent center, nursing home, rest home, home for the aged, assisted living facility, or similar use established and operated on a profit or non-profit basis to provide lodging and/or meals and/or domiciliary care for aged, infirm, chronically ill or convalescent persons. (Amended 12/15/05)

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Carport, attached. A roofed, open-sided motor vehicle shelter, formed by extension of a roof from a building in a residential zoning district. (Amended 06/26/08)

Carport, detached. A roofed, open-sided motor vehicle shelter, in a residential zoning district. (Adopted 06/26/08)

Cemetery. ~~A burial ground.~~

Cemetery, Commercial. The operation of a burial ground where burial sites are sold or exchanged for donations; ~~however, this definition shall not include a cemetery maintained by and adjacent to a church.~~

Church or other Place of Worship. A building used for public worship, including, ***but not limited to:*** temples, synagogues, ***pagoda, shrine, cathedral, tabernacle, and mosque/masjid*** and related Sunday School or Church School facilities.

Clinic. An establishment where medical or dental patients are admitted for examination and treatment, but where there is no overnight lodging.

Club or Lodge, Private. All incorporated or unincorporated associations for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities, operated for the benefit of the members and not open to the general public.

Common Area. Any part of a development that is not part of a building lot and is designated for the common usage of the development. (Adopted 08/14/08 and enacted 10/01/08)

Chairman Powell suggested adding “see open space” at the end of the definition.

***Convenience Store. A small retail establishment that offers convenience goods for sale, such as prepackaged food items, beverages, tobacco, personal care items, and other household goods.***

Tim Thoms asked why “small” was used in the definition.

Pete Frisina explained he was trying to distinguish a “convenience store” from a “grocery store”.

County Engineer. ~~A person so designated by the Board of Commissioners.~~ ***The official to whom the responsibilities normally associated with this title has been delegated.***

Covered Patio or Covered Deck, detached. An open or partially enclosed structure consisting of a roof with supporting posts/columns commonly containing a seating/dining area, and/or outdoor kitchen, and/or spa/hot tub. (Adopted 01/24/08)

Curb Cut. The point at which vehicular access is provided to a lot from an adjoining street.

Day Care Facility. An agency, organization, or individual providing daytime care for four (4) or more individuals ***children*** not related by blood or marriage or not the legal wards of the attendant adult. See also, Nursery School or Kindergarten.

Daylight Hours. That period of time beginning ~~thirty (30)~~ ***30*** minutes before sunrise and ending ~~thirty (30)~~ ***30*** minutes after sunset.

Density. The number of dwelling units per net acre.

Density, High. High density is defined as more than four (4) dwelling units per net acre.

Density, Low. Low density is one (1) dwelling unit or fewer per two (2) net acres.

Density, Medium. Medium density is one (1) to three (3) dwelling units per net acre.

***Dog Pen /Run. Any outside open air enclosure of 400 square feet or less used for the purpose of containing dogs.***

Drive-In. A retail or service enterprise wherein service is provided to the customers ~~on the outside of the principal building~~ ***who remain in their vehicles.***

***Drive-Thru. An opening in the wall of a building or structure designed and intended to be used to provide service to customers who remain in their vehicles.***

Dwelling. A building or portion of a building, designed for, or occupied for residential purposes.

Dwelling, Multi-Family. A dwelling designed for three (3) or more families living independently of each other.

Jim Graw suggested adding “residence” after dwelling in the definition.

Dwelling, Single-Family. A detached dwelling designed for a single family.

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Jim Graw suggested adding “residence” after dwelling in the definition.

Dwelling, Townhouse. One (1) of a series of three (3) or more attached dwelling units on separate lots which are separated from each other by party wall partitions extending at least from the lowest floor level to the roof.

Dwelling, Two-Family. A building containing two (2) single-family dwelling units totally separated from each other by an un-pierced wall extending from ground to roof.

Dwelling Unit. One (1) or more rooms within a structure forming a separate, independent housekeeping establishment with provisions for cooking, eating, sleeping, sanitation, and which is physically set apart from any other rooms or dwelling units in the same building.

**Educational/Instructional Facility. A specialized training establishment.**

F.A.A. The Federal Aviation Administration.

Family. One (1) or more persons occupying a single dwelling unit, provided that all persons are related by blood or marriage, or are lawful wards, and shall also include a group of persons, not exceeding four (4), living and cooking together as a single, nonprofit housekeeping unit. The members of said group need not be related by blood or marriage or be lawful wards, where said group is occupying a single dwelling unit. (Amended 12/09/04)

Farm. A lot ~~of land~~ devoted to the raising of agricultural products and/or livestock.

F.C.C. The Federal Communications Commission.

Fence. Structures made of posts, columns, boards, wire, pickets, wrought iron or rails. (Adopted 08/14/08 and enacted 10/01/08)

Financial Institution - Any trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company, or other business association, which is chartered under federal or state law, solicits, receives, or accepts money or its equivalent on deposit and loans money as a regular business. (Adopted 08/26/04)

Floor Area, Accessory Structure. The sum of the horizontal areas of the several floors of the structure under roof, excluding any space where the floor-to-ceiling height is less than six (6) feet.

Floor Area, Principal Structure. The area of a dwelling exclusive of **unheated space shall be measured from the face of the exterior walls** of a dwelling. Unheated space **shall** include, **but not be limited to:** attic, basement, garage, carport, patios, and open porches ~~measured from the exterior face of the exterior walls of a dwelling.~~

Tim Thoms suggested adding the definition of “front door” to assist with corner lots.

Garage, Parking. A structure, lot or any portion thereof which is open to the public in which one or more vehicles are housed or kept, not intending exhibition or showroom or storage or cars for sale.

Garage, Private. An enclosed accessory building or an enclosed portion of a principal building used only for private storage of permitted motor vehicles.

Pete Frisina suggested deleting this definition in its entirety since it is not used in the ordinance.

Garage, Repair. A ~~garage~~ **building** intended to be used to make commercial automobile or other motor vehicle repairs.

Pete Frisina suggested deleting this definition in its entirety since it is not used in the ordinance.

Gazebo. A freestanding, circular roofed structure open on all sides, but enclosed by a railing, and used for outdoor seating in residential zoning districts.

Governing Authority. The Fayette County Board of Commissioners.

**Grocery Store. A retail establishment which primarily sells food and household goods but is substantially larger and carries a broader range of merchandise than a convenience store.**

**Habital Space. A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.**



**Helicopter.** *A rotary winged aircraft that depends principally upon the lift generated by one (1) or more engine-driven rotors rotating on a substantially vertical axis for its primary means of propulsion.*

**Heliport.** *An area of land, water, or structure used or intended to be used for the landing and takeoff of helicopters.*

Chairman Powell suggested adding “sole purpose of” before “landing”.

Pete Frisina suggested deleting “or intended to be used”.

**Home Occupation.** ~~An occupation involving the sale of goods or services conducted within a dwelling by members of a family residing~~ **residents** in the dwelling.

**Horse Shelter.** *A structure used to house horses in the residential zoning districts.*

**Horse Stable.** *A structure used to house and/or board horses in an A-R Zoning District.*

**Hospital.** Any institution receiving in-patients, providing a staffed 24-hour emergency care facility, and authorized under Georgia law to render medical, surgical, and/or obstetrical care. The term "hospital" shall include a sanitarium, with an approved Certificate of Need (CON) from the State Health Planning Agency, for the treatment and care of various forms of mental illness, but shall not include office facilities for the private practice of medicine, dentistry or psychiatry.

**Hotel.** A building in which overnight accommodations are provided to the public. The term "hotel" includes the terms "motel" and ~~"tourist court"~~.

Pete Frisina stated “see Bed and Breakfast” would be added to the definition.

~~**Impervious Surface.** A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.~~

Tim Thoms asked why the definition of impervious surface was deleted.

Pete Frisina explained “impervious surface” has been deleted from the ordinance and “lot coverage” is now being used instead.

Industrialized Building. Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation on a non-residential building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof.

Junk/~~Auto Grave~~ or ~~Salvage Yard~~. Property used for outdoor storage, keeping, abandonment, sale or resale of junk including scrap metal, rags, paper or other scrap materials, used lumber, salvaged house wrecking and structural steel materials and equipment, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof.

Junked Automobile. See Vehicle, Abandoned.

Kennel. Any location where any combination of animals are kept in excess of three (3) shall be deemed to be a kennel. This definition does not include not more than one (1) litter of dogs or cats of not more than six (6) months of age. (Amended 08/25/05)

Kindergarten. See Nursery School or Day Care Facility School, Private.

Landscape Areas. A maintained area of grass or ornamental planting materials.

Livestock. Animals that are kept or raised, for use, profit, or for food, including but not limited to, horses, cattle, goats, sheep, pigs, pot bellied pigs, chickens, ducks, geese, mules, rabbits, emu/ostrich, buffalo, and llamas. This term shall be deemed to specifically exclude domestic dogs and domestic cats. (Amended 08/25/05)

Loading Space. Space logically and conveniently located for pick-up and delivery service, scaled to the vehicles expected to be used, and accessible to such vehicles at all times.

Lot. A lot of land of varying size which is designated as a single unit of property.

Pete Frisina suggested deleting “lot” and inserting “tract” in the definition.

Lot, Corner. A lot located at the intersection of two (2) streets.

Lot Depth. The distance between the front and rear lot lines.

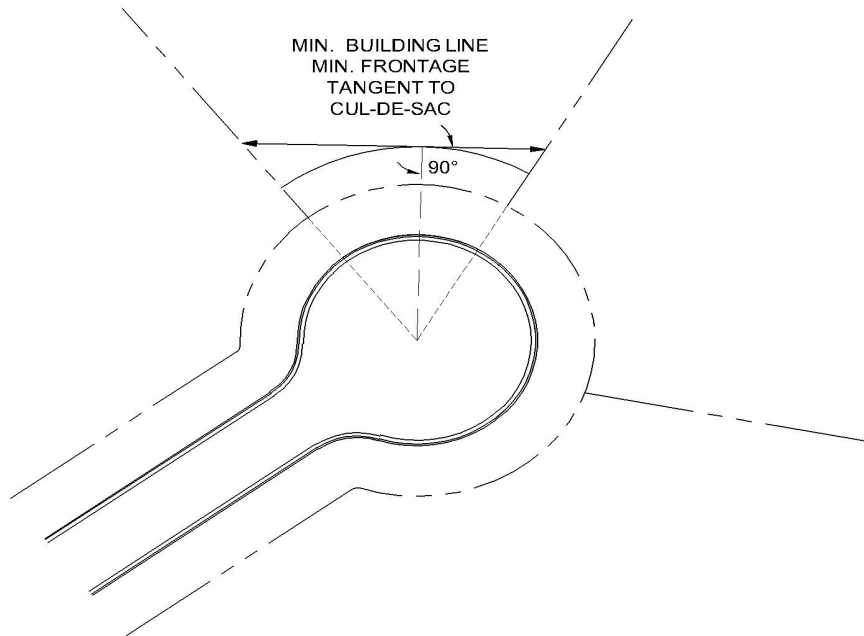
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Lot, Interior. A lot which has frontage on only one (1) street.

Lot, Landlocked. A lot of record having no frontage on a ~~County-maintained~~ street.

Lot, Through. A lot, other than a corner lot, having frontage on more than one (1) street.

Lot Width, Minimum. The minimum distance between side lot lines ***either*** measured ***in a straight line parallel to the street right-of-way or a tangent and perpendicular to the mid-point of the arc in the case of the turn around portion of a cul-de-sac*** along the front minimum building line for a depth of at least eighty (80) feet (see graphic below).



Lot of Record. An area designated as a separate and distinct lot of land on a recorded subdivision plat approved in accordance with the Fayette County Subdivision Rules and Regulations, or in a legally recorded deed.

Manufactured Housing. Manufactured housing means a structure, transportable in one (1) or

more sections, which, in the traveling mode, is eight (8) body feet or more in width or ~~forty (40)~~ **40** body feet or more in length or, when erected on a site, it is 320 or more square feet and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. For the purposes of this Ordinance, the term "mobile home" shall be construed to mean "manufactured housing" or "manufactured home."

Chairman Powell asked what was meant by the term body feet.

Dennis Dutton explained the body feet excluded the hitches or bumpers. He suggested deleting "is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on a site, it".

Manufactured Home Park. Any lot where two (2) or more manufactured homes are installed for living purposes, including any land or structure used by occupants of manufactured homes on such premises.

Manufactured Home Space. A plot of ground within a manufactured home park designed to accommodate a single manufactured home.

Mini-storage Facility. Storage facilities which are leased to the public.

Motel. See Hotel.

**Museum. *A permanent institution in the service of society and of its development, open to the public, which acquires, conserves, researches, communicates and exhibits the tangible and intangible heritage of humanity and its environment, for the purpose of education, study and enjoyment.***

Non-Emergency Medical Transport Service. A service licensed by the State of Georgia under O.C.G.A. 31-11-1 through 31-11-82 as applicable and as administered by the Department of Human Resources providing prearranged non-emergency medical transport. (Adopted 07/26/07)

Nonconformance. A legally existing lot, use, building or structure which fails to comply with the provisions herein, as of the effective date of this Ordinance **(November 13, 1980)**, or as the result of subsequent amendments.

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Nursery School or Kindergarten. An agency, organization, or individual providing daytime care of four (4) or more children not related by blood or marriage or not the legal wards of the attendant adult. See also, Day Care Facility.

Open Space. Land within and related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate.

Chairman Powell suggested adding “see Common Area” to the definition.

**Outside Sales Display. *The outside installation and display of products limited to those items generally utilized outside, including, but not limited to: swimming pools, spas/hot tubs, patios and patio accessories, plant materials and/or children’s play equipment.***

Pete Frisina suggested deleting the above definition in its entirety and place in Article V. because it is more regulatory than a definition.

Parking Space. An area for off-street motor vehicle parking.

Pavilion. A freestanding roofed structure generally supported by poles and open on the sides with a permanent foundation that is used for picnic/social gatherings.

**Planning Commission. *The Planning Commission shall consist of five (5) members residing within the County and shall be appointed by the Board of Commissioners.***

Pete Frisina suggested amending the above definition because it is more regulatory than a definition.

Public Utility Facility. A location of or for Public Utilities, such as an electric substation ~~or water treatment plant~~ or a location where a business organization (as an electric company) performing a public service and subject to special governmental regulation and the public service commission. (Adopted 06/24/04)

Pole Barn. A large structure for the storage of farm products, feed, or the housing of farm animals or farm equipment, supported by poles, in agricultural zoning districts.

Chairman Powell suggested adding “covered by a roof”.

Porte Cochere. An extension of the roof projecting over a driveway at an entrance of a building and sheltering those getting in or out of vehicles. Also called a carriage porch. (Adopted 06/26/08)

Public Water Facilities. Mains and service lines owned and operated by the Fayette County Water System, or, when approved by the County Commissioners, a private water system operating under the direct supervision of the Department of Natural Resources.

Recycling Facility. A facility engaged in the collection, separation, storage and processing (baling, compacting, grinding, or shredding) of household and office type recyclable materials only (aluminum and tin cans, cardboard, glass containers, magazines, newspaper, paper, plastic containers and telephone books) to facilitate the shipment of such materials to an industrial end-user.

Rifle Range, Commercial. Any rifle range operated wherein a fee is charged for its use.

Chairman Powell suggested adding “firearm” after “rifle” in both places of the above definition and to reference the NRA Manual.

Rifle Range, Private. Any rifle range used by a club or a group of more than two (2) non-resident members.

Chairman Powell suggested adding “firearm” after “rifle” in both places of the above definition and to reference the NRA Manual.

**Runway Safety Area. *A cleared, drained, graded, and stable area symmetrically located about the runway, the dimensions of which include the runway width, and which is suitable for an airplane to overrun should it accidentally veer off the pavement.***

**Sales, Garage/Yard. *Garage/yard sales shall include all sales entitled "garage sale," "lawn sale," "attic sale," "rummage sale," or "flea market sale".***

Tim Thoms suggested adding “estate sale” and “moving sale” to the above definition.

**School, Private. *An elementary (including Pre-K and Kindergarten), middle or high school which is not run by a government or public agency providing a curriculum as required by the Georgia Department of Education.***

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**School, Trade/Vocational. *See Educational/Institutional Facility.***

Setback. The area as designated by this Ordinance in which a structure may not be erected, as measured from the property boundaries of the lot or from the buffer line if a buffer is required.

Sewer System, Central Sanitary. Collection of sanitary sewage via a pipe network, transportation to a common collection point and treatment to required Department of Natural Resources criteria prior to release.

~~Sewer System, Community Sanitary. A sanitary sewer system provided for the collection of sanitary sewage for a platted subdivision of not less than thirty (30) lots via a pipe network with transportation to a common collection point for on-site treatment via a drip irrigation discharge system.~~

~~Shopping Center. Two (2) or more commercial establishments planned and managed as a single unit with off-street parking and loading facilities provided on the property.~~

**Solar Panel. A device consisting of an array of connected solar cells or photovoltaic cells that converts solar energy (light from the sun) into electricity.**

**Split zoning. A lot divided by more than one (1) zoning district.**

~~Storefront Warehouse. A wholesale or retail establishment where at least fifty (50) percent of the building is used for storage of the products.~~

**Story. The portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it.**

~~Street. A roadway for traffic which may or may not be publicly owned. **A public or private thoroughfare or road, often paved, used for vehicular access to other streets and/or properties. Streets may be 1) owned and operated/maintained by Fayette County (i.e., those within a Public Right-of-Way); 2) privately owned but open for public use and maintained by Fayette County (i.e., those within a prescriptive easement); or 3) privately owned and maintained (i.e., a private road). Public streets are designated by type on the Fayette County Thoroughfare Plan.**~~

~~Street, Access. A street intended to carry traffic between commercial uses and a major thoroughfare **that provides for access to lots.**~~

Street, Private. A street ~~that is privately owned and used~~ ***for access that is not owned or maintained by a governmental agency such as the County, a municipality, the State, or Federal Government.***

Street, Public. A street that is used for travel by the general public, ~~whether or not it~~ ***that*** is owned ***or maintained*** by a public ***governmental*** agency ***such as the County, a municipality, the State, or Federal Government.***

Structure. A combination of materials to form a construction ***assembled*** for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. Among other things, structures include buildings, manufactured homes, signs, and swimming pools, but do not include walls or fences.

Subdivision. All divisions of a lot ~~or lot~~ of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development and includes all divisions of land involving a new street or change in existing streets, and includes re-subdivision and where appropriate to the context, relates to the process of subdividing or to the land or area subdivided; provided, however that the following are not included within this definition: (Amended 04/22/04)

- (a) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the municipality; (Amended 04/22/04)
- (b) The division of land into lots of five (5) acres or more where no new street is involved. (Amended 04/22/04)

Swimming Pool Screened Enclosure. A structure or part thereof, in whole or in part, self-supporting and having walls of insect screening and a roof of insect screening, commonly made of plastic, aluminum, or similar lightweight material. (Adopted 01/24/08)

Thoroughfare, ***Major*** Arterial. ~~A street designated to carry traffic into and out of a city.~~ ***A street designated on the Thoroughfare Plan as a Georgia State Route which provides traffic movement through the region, as well as, traffic movement within and through the County.***

***Thoroughfare, Minor Arterial. A street designated on the Thoroughfare Plan which provides traffic movement within and through the County.***



Thoroughfare, Collector. ~~A street designated to carry traffic between minor thoroughfares and major thoroughfares.~~ **A street designated on the Thoroughfare Plan which collects/carries traffic from local and other collector streets and provides a connection to arterial streets.**

Thoroughfare, Major. A street designated on the Thoroughfare Plan as a major thoroughfare and being classified as either arterial **(major/minor/proposed)** or collector **(proposed)**.

Chairman Powell suggested deleting “major/minor/proposed” and “proposed”.

Thoroughfare, Minor. ~~A street designated to carry primarily local or neighborhood traffic.~~ **on the Thoroughfare Plan as a County Local or Internal Local primarily for access to abutting properties, providing for minimum speeds, and traffic volumes.**

~~Tourist Court.~~ See Hotel.

Tot lot. An improved and equipped play area for small children usually up to elementary school age.

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and alternative tower structures.

**Tower Antenna.** **A device used to transmit and/or receive radio-frequency signals, microwave signals, or other signals transmitted to or from other antennas.**

Tower Facilities. Includes towers, antennas, and all accessory buildings and structures, **and fencing required for a tower,** excluding tower anchors.

Tower Height. When referring to a tower or tower facilities, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna. See also, Building Height.

Tower structure, alternative. Man-made trees, clock towers, bell steeples, light poles, and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

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Towers and Antennas, Pre-Existing. Any tower or antenna permitted prior to June 27, 1996.

Townhouse. See Dwelling, Townhouse.

Trailer (Office Type), Temporary. A vehicle designed for towing, not intended for use as a dwelling, ~~temporary or permanent~~, and restricted to such uses as a ~~temporary~~ construction office/storage facility, real estate sales office ~~and/or storage facility~~, ~~and~~ temporary operations office or classrooms pending construction of a permanent facility.

**Training Center.** *A facility used for business or professional conferences, seminars, and training programs.*

**Tutoring.** *The provision of instruction.*

Uses, Conditional. Those uses that are allowed in a particular zoning district, but only under certain specified conditions.

Uses, Permitted. Those uses that are allowed in a particular zoning district as a matter of right.

Uses, Principal. The main purpose for which a lot is intended and for which it may be used.

Variance. A modification of the terms of this Ordinance granted by the Zoning Board of Appeals in accordance with criteria as set forth herein.

Vehicle, Abandoned. A vehicle which does not bear a current license plate with an appropriate decal affixed thereto, if required, unless said vehicle is stored within a completely enclosed building or unless it is stored on a bona fide sales lot and is in a satisfactory operating condition.

Bill Beckwith suggested deleting “current” before “license plate” and adding “current” prior to “decal”.

Chairman Powell suggested deleting “bona fide” and replacing it with “permitted auto”.

Vehicle/Boat Sales. A business establishment primarily involved in the sale of automobiles, trucks, farm equipment, heavy construction equipment, motorcycles, boats, recreational vehicles or trailers, or other vehicles, excluding manufactured homes.

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**Vehicle, Business.** Any vehicle used for business purposes whether or not the owner is a private or governmental entity except that school buses shall be excluded.

**Vehicle, Passenger.** *A wheeled motor vehicle for transporting passengers which is designed to run primarily on roads principally for the transport of people rather than goods.*

**Vehicle, Recreation Vehicle.** A self-propelled or towed vehicle used as a temporary dwelling for travel and recreational purposes. Recreation vehicles shall include camping trailers and travel trailers in addition to self-propelled vehicles and shall not exceed eight and one-half (8.5) feet in width and ~~forty-five (45)~~ **45** feet in length.

**Wall.** Structures made of masonry or concrete **commonly used as an enclosure for a lot.**  
(Adopted 08/14/08 and enacted 10/01/08)

**Warehouse.** A building ~~in which at least seventy-five (75) percent of the gross floor area is~~ devoted to retention of goods, merchandise, supplies or other materials produced on site or received in shipment for ultimate sale or shipment elsewhere.

**Water Distribution System, Central.** *Mains and service lines owned and operated by the Fayette County Water System, or, when approved by the County Commissioners, a private water system operating under the direct supervision of the Department of Natural Resources.*

**Water Impoundment.** A body of water confined by a dam, dike, floodgate, or other barrier.

**Wind Turbine.** *A freestanding alternate energy device which converts wind energy into electrical energy. A windmill shall also be deemed a wind turbine when used in association with an agricultural operation.*

**Yard.** A required open space on a lot that is left unoccupied with structures and facilities except as permitted herein.

**Yard, Front.** The area between a property line adjacent to a thoroughfare and the building line, extending the full width of the lot.

**Yard, Rear.** The area between the rear property line and the rear building line, extending the full width of the lot.

**Yard, Side.** The area between the side property line and the side building line, extending from the front yard to the rear yard.

Zoning Administrator. The person who has been designated by the Board of Commissioners to administer the enforcement of this Ordinance.

**Zoning Board of Appeals. The Zoning Board of Appeals shall consist of five (5) members residing within the County and shall be appointed by the Board of Commissioners.**

Pete Frisina suggested amending the above definition because it is more regulatory than a definition.

#### **ARTICLE IV. ESTABLISHMENT OF DISTRICTS**

4-1. Zoning Districts. For the purposes of this Ordinance, the unincorporated areas of Fayette County are divided into zoning districts designated as follows:

1. A-R                      Agricultural - Residential District    (Sec. 6-1)
2. EST                     Estate Residential District    (Sec. 6-2)
3. R-85                    Single Family Residential District    (Sec. 6-3)
4. R-80                    Single Family Residential District    (Sec. 6-4)
5. R-78                    Single Family Residential District    (Sec. 6-5)
6. R-75                    Single Family Residential District    (Sec. 6-6)
7. R-72                    Single Family Residential District    (Sec. 6-7)
8. R-70                    Single Family Residential District    (Sec. 6-8)
9. R-55                    Single Family Residential District    (Sec. 6-9)
10. R-50                   Single Family Residential District    (Sec. 6-10)
11. R-45                   Single Family Residential District    (Sec. 6-11)

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12. R-40                   Single Family Residential District    (Sec. 6-12)  
                                  (Added 04/09/98)

13. R-20 Single Family Residential District (Sec. 6-13)
14. DR-15 One and Two Family Residential District (Sec. 6-14)
15. RMF Multi Family Residential District (Sec. 6-15)
16. MHP ~~Mobile~~ **Manufactured** Home Park District (Sec. 6-16)
17. O-I Office - Institutional District (Sec. 6-17)
18. C-C Community Commercial District (Sec. 6-18)
19. C-H Highway Commercial District (Sec. 6-19)
20. L-C Limited Commercial District (Sec. 6-20)
21. M-1 Light Industrial District (Sec. 6-21)
22. M-2 Manufacturing and Heavy Industrial District (Sec. 6-22)
23. PUD Planned Unit Development (Sec. 6-23)
24. C-S Conservation Subdivision (Sec. 6-24) (Adopted 12/05/01)
25. BTP Business Technology Park (Sec. 6-25) (Adopted 08/27/09)

4-2. Maps. The boundaries of each zoning district shall be shown on a map entitled the "Zoning Map of Fayette County". The location and classification of all streets within these districts shall be shown on a map entitled the "~~Street and Road Classification and Major~~ **Fayette County** Thoroughfare Plan, ~~Fayette County, Georgia~~". Each map shall be dated and certified by the Chairman and Clerk of the Board of Commissioners, Fayette County, Georgia. Said maps and all explanatory matter thereon are hereby made a part of this Ordinance. The Zoning Administrator shall retain said maps and all amendments thereto.

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Pete Frisina suggested deleting the second sentence in its entirety, deleting “each” and replacing with “the”, and deleting the “s” on “maps”.

4-3. Amendments. If, in accordance with the provisions herein, amendments are made to

the aforementioned maps, the Zoning Administrator shall record such amendment on the appropriate map and indicate thereon the effective date of the amendment.

4-4. Boundary Rule. Where uncertainty exists with respect to the boundaries of any zoning district, the following rules shall apply unless otherwise specifically indicated:

- A. Where the zoning district boundaries are indicated on the zoning map as approximately following the centerlines of a street, road, highway, railroad right-of-way line, stream bed, river bed, corporate city limits line, ~~militia district line~~, or land lot line, then such lines shall be construed to be the zoning district boundary lines.
- B. Where the zoning district boundaries are indicated on the zoning map as being set back from a street, road, highway, railroad, stream or river and parallel thereto, then such boundaries shall be construed as being at the scaled distance from the centerline of same and parallel thereto.
- C. Where a zoning district boundary line divides a lot which existed at the time of enactment of this Ordinance (November 13, 1980), the Zoning Administrator may, administratively change the zoning of the smaller portion of said lot to coincide with the zoning of the larger portion of said lot. Any changes in boundaries which occur pursuant to this provision shall be reported to the Clerk of the Board of Commissioners.
- D. *Where a zoning district boundary divides a lot which did not exist at the time of enactment of this Ordinance (11/13/1980), the property shall be rezoned to one (1) zoning district prior to submittal of a Preliminary Plat, Final Plat, Site Plan and/or building permit as applicable.*

Chairman Powell suggested changing 11/13/1980 to November 13, 1980 throughout the ordinance for consistency.

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- E. *Corporate Limits. Any lot divided by corporate limits (city or county) shall meet fully the requirements of Fayette County on the portion of the lot that is within unincorporated Fayette County for the purposes of a building permit. All corporate limits dividing a lot will be viewed in the same*

**manner as a property line. Setbacks are measured from corporate city limit lines and/or county boundary lines.**

## **ARTICLE V. GENERAL PROVISIONS**

5-1. Use. ~~No building, structure or land shall be used or occupied in a manner inconsistent with the requirements herein. No building, structure or part thereof shall be erected, constructed, reconstructed, moved, enlarged or structurally altered in a manner inconsistent with the requirements herein.~~ **No land, building, or structure shall be used in any manner or for any purpose other than is allowed in this ordinance, or amendment thereto. In addition, no building or structure shall be erected, moved, altered, or enlarged in any manner, other than is allowed in this ordinance, or amendment thereto.**

5-2. Use, Prohibited. If either a use or class of uses is not specifically indicated as being permitted in a zoning district, either as a matter of right or as a conditional use, then such use, class of uses, or structures for such uses shall be prohibited in such zoning district.

5-3. Principal Structure or Use. In all residential or agricultural zoning districts, no more than one (1) principal structure or use shall be located on a lot, except as otherwise provided herein. In all non-residential zoning districts, no more than one (1) principal use shall be located on a lot, except as otherwise provided herein.

Pete Frisina stated he wanted to review the above definition further and add that in a nonresidential zoning district, the use can be either nonresidential or a residential conditional use; however, you cannot be both.

Tim Thoms suggested adding “/residential” after “agricultural”.

5-4. Use on a Lot. Construction of buildings, ~~and~~ structures, and establishment of uses shall occur only upon a lot as defined herein.

5-5. Height and Density. No building or other structure shall hereafter be erected or altered so as to:

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A. Exceed the height limit; or

B. Accommodate or house a greater number of families per lot than allowed.

5-6. Reduction of Lot Area. No lot shall be reduced in size so that the lot **size**, width or depth,

size of yard, lot area per family, or any other requirement of this Ordinance is not maintained. This restriction shall not apply when a portion of a lot is acquired for a public purpose.

5-7. **Conflicting Requirements. Should any requirements within this ordinance conflict or conflict with any other County requirements, the most restrictive shall apply.**

5-8. Yard Service, Required Open Space to One (1) Building. No part of any yard, or other open space, or off-street parking or loading space required about, or in connection with, any building, structure, or use shall be included as part of a required yard, open space, or off-street parking or loading space similarly required for any other building, structure, or use except as provided herein.

5-9. ~~Open Space~~ **Yard** Not to be Encroached Upon. No ~~open space~~ **yard** shall be encroached upon or reduced in any manner except in conformity with the ~~yard~~, setback, off-street parking spaces, and such other regulations required for the zoning district in which such building is located. Shrubbery, driveways, retaining walls, fences, curbs, and planted buffer strips shall not be construed to be encroachments. ~~Open space areas shall be permanently maintained as open space and appropriately landscaped. These areas may not be used for vehicular access, parking or similar uses except as otherwise provided herein.~~

Pete Frisina suggested deleting “Shrubbery” and inserting “Landscaping” and inserting “walls and” before “fences”.

5-10. Encroachment on Public Rights-of-Way. No building, structure (including prohibited mailbox supports as described in ~~Section 5-37~~ **Article V**), service area or required off-street parking and loading facilities, except driveways, shall be permitted to encroach on public rights-of-ways. (Amended 02/25/99)



5-11. ~~Single Family Dwelling.~~ Single family dwellings are permitted uses in A-R and all residential zoning districts.

A. Additions To A Single Family Structure.

A. All additions to a Single Family Dwelling ~~must~~ ***shall*** be attached to the primary structure, via either a heated ~~and cooled~~ corridor that has minimum interior dimensions of six (6) feet in width and eight (8) feet in height, or by a direct access common wall. Said corridor ~~must~~ ***shall*** be attached to the primary residence at a location that is currently heated ~~and cooled~~. (Adopted 06/23/05)

B. Porte Cochere. A porte cochere shall be attached at an entrance of a single-family dwelling and shall meet the following standards: (Adopted 06/26/08)

1. Shall consist of a singular roof line that is consistent with the single-family dwelling roof design, and supported by posts/columns and shall remain open on the remaining three (3) sides; (Adopted 06/26/08)
2. Shall be consistent with the architectural character/facade of the single-family dwelling; and (Adopted 06/26/08)
3. A porte cochere shall not be utilized as a carport, garage, storage building, open storage, or living area. (Adopted 06/26/08)

5-12. Accessory Structures and Uses. (Adopted in its entirety 01/24/08)

A. The following accessory structures and uses are permitted in A-R and all residential zoning districts. Farm outbuildings and greenhouses are regulated as Conditional Uses under Article VII. and shall be allowed in the A-R Zoning District only. ***One (1) semi-trailer may be utilized as a farm outbuilding provided the property is zoned A-R and the semi-trailer is being used to store agricultural items. These regulations shall not apply to those nonresidential uses allowed in A-R and residential zoning districts.***

1. Well, well/pump house;
2. Guest house;

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3. Greenhouse (for private use);
4. Swimming pool, pool deck, pool equipment enclosure, and pool screen enclosure;
5. Garage;
6. Recreational court;
7. Gazebo;
8. Cabana, covered patio, and covered deck;
9. Storage building; ~~and~~
10. Carport; ~~and~~

**11. Solar Panel (ground/pole-mounted);**

**12. Wind Turbine/Windmill (all ground-mounted);**

**13. Aircraft Hangar, detached (see Article VII); and**

**14. Dog House and Dog Pen/Run.**

- B. Structure Limitations. Construction of an accessory structure shall occur concurrently with or after the construction of the principal structure. Accessory structures shall not be used as dwelling units or for lodging purposes, except a guest house.
- C. Number and Size. The number and size of accessory structures shall conform to the requirements described herein.

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1. Accessory structures shall be limited to one (1) of the following options:
  - a. Two (2) accessory structures, per individual lot, with each accessory structure not to exceed 900 square feet of floor area. One (1) of these accessory structures may include up to 700 square feet of heated and finished floor area to be utilized as a guest house. An accessory structure combined with a guest house, under this option, shall be deemed as one (1) accessory structure; or
  - b. One (1) accessory structure, per individual lot, not to exceed 1,800 square feet of floor area, or the total square footage of the principal structure, whichever is less. This accessory structure may include up to 700 square feet of heated and finished floor area to be utilized as a guest house. An accessory structure combined with a guest house, under this option, shall be deemed as one (1) accessory structure; or
  - c. Two (2) accessory structures per individual lot consisting of a freestanding guest house (not to exceed 700 square feet of heated and finished living floor space area) and an accessory structure which may not exceed 1,100 square feet of floor area.
2. At least ~~fifty (50) percent~~ **50 percent** of the square footage of an accessory structure **building** shall be fully enclosed, except as otherwise provided in ~~Section 5-10~~ **herein**. Said enclosed area shall be surrounded by connecting adjacent walls constructed of solid materials attached to the foundation and roof.
3. A well/pump house, **dog house, or playhouse** consisting of ~~seventy (70)~~ **70** square feet or less, **dog pen/run consisting of 150 square feet or less,** swimming pool, recreational court, aircraft hangar (see Article VII.), farm outbuilding (see Article VII.), greenhouse (see Article VII.), **ground/pole mounted solar panels, ground-mounted wind turbines/windmill,** and accessory structures incidental to ~~commercial and industrial~~ **residential** uses shall not be included in determining the number of accessory structures provided herein.

Chairman Powell suggested adding “consisting of less than 200 square feet” after “solar panels”.

4. Total Square Footage. When both of the following criteria are met, the upper level space shall be included in the total square footage of the structure:  
a) the upper level space is accessed by permanent stairs and b) that portion of the upper level space where the ceiling width, measured at least seven (7) feet in height, is more than ~~fifty percent (50%)~~ **50 percent** of the ceiling width measured at least five (5) feet in height.

- D. Location on Lot. Accessory structures shall conform to the dimensional requirements within each zoning district. No structure shall be located in the front yard except: a detached garage (see 1. and 2. below for requirements); well/pump house consisting of ~~seventy (70)~~ **70** square feet or less **which may also be located within the setback**; or farm outbuildings and greenhouses located in an A-R Zoning District, where the lot consists of five (5) acres or more. On a single frontage lot, the area between the street and the front building line shall be treated as a front yard with regard to the location of accessory structures. On a corner lot, the area between both of the streets and both of the front building lines shall be treated as a primary front yard and a secondary front yard with regard to the location of accessory structures.

On a through lot, the area between the street from which the lot is accessed and the front building line shall be treated as a front yard with regard to the location of accessory structures.

1. Detached Garage located in the Front Yard of a Single Frontage Lot and a Through Lot. A detached garage located in the front yard shall meet the following requirements:
  - a. Shall not exceed 900 square feet of floor area;
  - b. Located no more than ~~thirty-five (35)~~ **35** feet from the principal structure;
  - c. **Shall** ~~Not exceed twenty-three (23)~~ **23** feet in height;
  - d. No more than ~~fifty percent (50%)~~ **50 percent** of the footprint of the garage may be located beyond the front building line of the principal structure;

- e. The width of the portion of the garage facing the street shall not exceed ~~sixty percent (60%)~~ **60 percent** of the width of the principal structure; and
- f. No portion of the garage may be located directly between the principal structure and the street.

2. Detached Garage Located in the Front Yard of a Corner Lot.

- a. Primary front yard. The location of the front door of the principal structure shall establish the primary front yard. The primary front yard is the area between the street and the front building line in which an accessory structure is prohibited, except in the case of a detached garage which shall comply with the requirements of a Single Frontage Lot; and
- b. Secondary front yard. Consequently, the other frontage shall be the secondary front yard. The secondary front yard is the area between the street and the front building line in which an accessory structure is prohibited, except in the case of a detached garage which shall comply with the following requirements:
  - (1) Shall not exceed 900 square feet of floor area;
  - (2) Located no more than ~~thirty-five (35)~~ **35** feet from the principal structure; and
  - (3) **Shall** ~~Not exceed twenty-three (23)~~ **23** feet in height.

3. Architectural Standards for a Detached Garage located in all front yards. The garage shall maintain a residential character. Elevation drawings denoting compliance with the following requirements ~~must~~ **shall** be submitted as part of the building permit application:

- a. The design of the garage shall match with the general architectural style inherent in the existing principal structure, including, but not limited to, roof pitch, roof facade, facade, residential windows, and residential doors.

- b. The garage shall have at least one (1) opening for vehicular access.
  - c. A separate electrical meter is not permitted, unless otherwise required by the power company providing service to the property.
  - d. The garage shall be connected to the principal structure by at least one (1) of the following:
    - (1) An attached or detached breezeway. Said breezeway shall be a minimum of six (6) feet in width and a minimum of eight (8) feet in height (interior measurement). A detached breezeway shall be constructed within six (6) inches of the principal structure and the garage; or
    - (2) An attached raised deck. Said attached raised deck shall be a minimum height of ~~fifteen (15)~~ **15** inches. The deck shall have a minimum width of six (6) feet. Said deck shall have guard rails measuring a minimum of three (3) feet in height; or
    - (3) An attached or detached pergola. Said pergola shall consist of parallel colonnades supporting an open roof of beams and crossing rafters, shall be a minimum of six (6) feet in width and a minimum of eight (8) feet in height (interior measurement). A detached pergola shall be constructed within six (6) inches of the principal structure and the garage.
- E. Guest Houses. Only one (1) guest house is allowed per individual lot. Any living area included in an accessory structure is a guest house. A guest house shall not be used as tenant space.
- 1. Size. A guest house shall not exceed 700 square feet of heated and finished living space floor area.

- F. Architectural Standards. All accessory structures of 200 square feet or greater,

except a detached garage located in the front yard, shall be constructed in a residential character and shall compliment with the general architectural style inherent in the existing principal structure consisting of a gable, hip, or gambrel roof only, with a minimum pitch of 4 1/2" in 12"; including, but not limited to, and a façade of fiber-cement siding, wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, stucco, or synthetic stucco, or finished/baked enamel aluminum/metal siding which establishes a horizontal pattern. These standards shall not apply to an addition to an existing structure. Elevation drawing denoting compliance ~~must~~ shall be submitted as part of the building permit application.

Bill Beckwith stated “compliment” should be changed to “complement”.

Tim Thoms stated “with” should be deleted after “complement”.

- G. Temporary Accessory Storage. Portable on demand storage units are only allowed on a temporary basis and only in conjunction with an ongoing a renovation project for the purpose of storage of household items for a period not to exceed one (1) year. Portable on demand storage units are defined as any container, storage unit or other portable structure, other than an accessory building or shed complying with all building codes used to store household items. Only two (2) portable on demand storage units are allowed per lot.
- H. Carport. The carport shall be used to house motor vehicles and trailers only. Carports shall be constructed of the same material or types of material as the principal structure on the property, or of metal.
- I. Cabana, covered patio, and covered deck. The cabana, covered patio, and covered deck shall not be utilized as a carport, garage, storage building, open storage, or living area. Said structures shall, at a minimum, consist of a roof with supporting posts/columns, not to exceed one (1) story, and comply with the Architectural Standards for an accessory structure 200 square feet or greater.
- J. Swimming pool, pool deck, pool equipment enclosure, and pool screened enclosure. The pool deck, pool equipment enclosure, and pool screened enclosure shall comply with the required setbacks. A pool screen enclosure shall be constructed with insect screening commonly made of plastic, aluminum, or similar lightweight material and shall be exempt from the architectural requirements herein.

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- K. Solar Panels (ground/pole-mounted). Ground/pole mounted solar panels shall be limited to three (3) per lot, shall not exceed ten (10) feet in height, shall comply

with the required setbacks, and shall comply with the location of an accessory structure/use. Ground/pole mounted solar panels consisting of less than 200 cumulative square feet shall not count toward the number of accessory structures/uses. Ground/pole mounted solar panels consisting of 200 cumulative square feet up to a maximum of 900 cumulative square feet shall be counted as an accessory structure/use.

- L. Wind Turbines/Windmill (ground-mounted). Wind Turbines/windmills shall not exceed 70 feet in height. The setbacks shall be equal to the height of the wind turbine or the applicable zoning district setbacks, whichever are greater. Each lot is limited to one (1) ground mounted wind turbine/windmill. The ground mounted wind turbine/windmill shall not count toward the number of accessory structures/uses.

~~K.~~M. Nonconformance. All accessory structures or uses which had a building permit issued prior to January 24, 2008, (the adoption date) are legally non-conforming and shall be allowed to be maintained and rebuilt to current size and in the existing location. All accessory structures or uses permitted after January 24, 2008, (the adoption date) ~~must~~ shall comply with the current requirements.

- 5-13. Common Area. When a common area, open space, or conservation area is located between a lot and the ~~road/ street right-of-way~~, the setback on the lot shall be measured from the right-of-way as a front yard setback or from the common area as a side or rear setback and whichever is greater shall apply. (Adopted in its entirety 08/14/08 and enacted 10/01/08)

- 5-14. Pavilion. A pavilion is an accessory structure which is allowed in non-residential zoning districts except as otherwise provided herein.

Chairman Powell suggested adding “in residential and Agricultural-Residential zoning districts and” prior to “in”.

- 5-15. Street Frontage for Access. (Amended 08/26/99)

- A. For access purposes, all residential or non-residential lots ~~must~~ shall have frontage on a street and/or a cul-de-sac that is either: (Amended 08/26/99)

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1. ~~Deeded to the County through a warranty deed~~ A public street; or
2. ~~County or State maintained~~ A private street built to County standards and



or

3. ~~Deeded~~ to a homeowner's association through a recorded warranty deed which the owner of any lot within the subdivision is required to join.

- B. All residential lots are required to have a continuous minimum lot width and street frontage of 100 feet. **This minimum 100 foot width shall be fully maintained** from the street frontage (front property line) to the point where the required minimum lot width is met. **This requirement shall be met unless:** building line and at least 100 feet of immediate street frontage on a street described in subsection A. above unless: (Amended 06/25/98)

Pete Frisina suggested deleting “continuous minimum lot width and” and replace with “minimum”.

Bill Beckwith suggested adding “at least a” prior to “minimum”.

Al Gilbert asked Staff to find better verbiage for “fully maintained” because it sounds as if the property owner is required to mow the grass in this area.

Pete Frisina advised Staff would review this requirement further.

1. The lot is "Landlocked Property" as provided in Section 5-14; or
2. **The lot fronts only the turn-around portion of a cul-de-sac. Each lot which fully fronts the turn-around portion of a cul-de-sac shall have a minimum of 50 feet of street frontage and this provision is limited to a maximum of four (4) lots.** The lot is one (1) of four (4) or less lots located on the turn-around portion of a cul-de-sac. ~~Each lot which fully abuts the turn-around portion of the cul-de-sac must have a minimum of fifty (50) feet of street frontage. There shall be a maximum of four (4) lots which fully abut the cul-de-sac. In addition, if fifty percent (50%) or more of the frontage of a lot abuts the turn-around portion of a cul-de-sac, then that lot shall be classified as a cul-de-sac lot.~~ (Amended 08/26/99)

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- C. ~~For access purposes,~~ **All** nonresidential lots are required to have at least a continuous minimum lot width and street frontage of 125 feet. **This minimum 125 foot width shall be fully maintained** from the street frontage (front property line) to the point where the required minimum lot width is met building line and at least

~~125 feet of frontage on a street described in subsection A. above unless:~~ **This requirement shall be met unless:** (Amended 08/26/99)

Pete Frisina suggested deleting “continuous minimum lot width and” and replace with “minimum”. He also suggested adding “at least a” prior to “minimum”. He advised Staff would review this requirement further.

1. The lot is "Landlocked Property" as provided in Section 5-14; or
2. **The lot fronts only the turn-around portion of a cul-de-sac. Each lot which fully fronts the turn-around portion of a cul-de-sac shall have a minimum of 50 feet of street frontage and this provision is limited to a maximum of four (4) lots.** ~~The lot is one of four (4) or less lots located on the turn-around portion of a cul-de-sac. Each lot which fully abuts the turn-around portion of the cul-de-sac must have a minimum of fifty (50) feet of street frontage. There shall be a maximum of four (4) lots which fully abut the cul-de-sac. In addition, if fifty percent (50%) or more of the frontage of a lot abuts the turn-around portion of a cul-de-sac, then that lot shall be classified as a cul-de-sac lot.~~ (Amended 08/26/99)

5-16. Landlocked Property. In the event property is landlocked, as of the effective date of this Ordinance (**November 13, 1980**), the property owner shall be entitled to one (1) building permit, provided: (Amended 02/22/07)

- A. No other principal building exists or is being constructed on said property;
- B. No other valid building permit has been issued prior to the effective date of this Ordinance and is currently valid;
- C. The property owner has acquired a ~~twenty (20)~~ **20** foot easement to a County maintained street, and said easement has been duly recorded and made a part of the property deed; and

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- D. In the event said property is divided into two (2) or more lots, no further building permits shall be issued until such time as there exists a street meeting all of the requirements as specified in the Fayette County Subdivision Regulations.

5-17. Obstruction of Vision. No fence, wall, structure, shrubbery, or other obstruction to vision

between shall exceed a maximum the height of three (3) feet and fifteen (15) ~~15~~ feet, as measured from road grade, ~~except a~~ utility and light poles shall be permitted within twenty (20) 20 feet of the intersection of the right-of-way lines of streets, roads, highways, railroads, or any combination thereof. *(See Article III of the Development Regulations for Street and Traffic Sign requirements.)*

Chairman Powell suggested deleting the height requirements and regulating the visibility triangle.

Pete Frisina said he would review the Development Regulations to see if visibility triangle was discussed.

5-18. ~~Uses Prohibited. If either a use or class of uses is not specifically indicated as being permitted in a zoning district, either as a matter of right or as a conditional use, then such use, class of uses, or structures for such uses shall be prohibited in such zoning district.~~  
Relocate to 5-2.

5-19. Walls, Fences, and Entrance Structures located in a front yard in A-R and all residential zoning districts and Residential and Nonresidential Subdivision Entrance Walls and Fences. (Amended in its entirety 08/14/08 and enacted 10/01/08)

A. All walls and fences shall comply with the following:

1. No wall or fence shall be constructed in a public right-of-way, and such wall or fence shall not be constructed any closer than three (3) feet from any fire hydrant. Walls and fences in the right-of-way shall be removed.
2. Any vehicular driveway shall have a minimum clearance of ~~fourteen (14)~~ 14 feet in width and ~~fourteen (14)~~ 14 feet in height to allow for the passage of emergency vehicles.
3. All walls and fences shall be maintained and repaired as required in the International Property Maintenance Code.

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4. A Zoning Compliance Certificate will be required for all walls and fences located in a front yard prior to construction. A scaled drawing shall be submitted to the Planning & Zoning Department which shall include, but not be limited to: wall and/or fence elevations, location, height of wall/fence, posts/columns, and ornamental statues, figurines, and light fixtures, visibility, spacing over the entire linear footage of wall/fence, changes in grade,

building materials, and other requirement of the ordinance.

- B. Walls and Fences not exceeding four (4) feet in height shall comply with the following:
  - 1. A wall or fence shall be constructed of brick/brick veneer, stucco, synthetic stucco, rock, stone, cast-stone, wood, wrought iron, chain link or other wire materials, or other architecturally engineered facades which match these materials.
  - 2. Posts or columns, light fixtures, ornamental statues, and figurines shall not be included in the measurement of the four (4) foot wall height.
- C. Walls and Fences exceeding four (4) feet in height shall comply with the following:
  - 1. A wall and/or fence shall be constructed of brick/brick veneer, stucco, synthetic stucco, rock, stone, cast-stone, wood, wrought iron, or other architecturally engineered facades which match these materials.
  - 2. A solid wall and/or fence shall not exceed four (4) feet in height and any portion of a wall and/or fence higher than four (4) feet shall have a minimum visibility of 50 percent which shall be uniformly spaced over the entire linear footage of the wall and/or fence. Columns and posts shall not be included in this calculation.
  - 3. A vehicular entry structure shall not be subject to the four (4) foot wall and fence requirement or the minimum visibility of 50 percent within 35 feet of either side of the driveway.
- D. Walls and fences that cannot meet height requirements due to changes in grade shall make adjustments to each section (as created by the columns or posts) of the wall or fence to meet the requirements to the greatest degree possible. In some cases, this will result in a stair-step pattern as the wall or fence moves along the grade.

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- E. Exemptions.

The following shall be exempt from the above requirements:

- 1. In any residential zoning district where horses are kept in accordance with Article V. General Provisions, Raising and Keeping Horses in Residential Districts, a wall or fence made of chain link or other wire materials is exempt

from the four (4) foot maximum height requirement and shall not exceed a maximum of five (5) feet in height in a front yard.

2. Where the use of the property is for farming in an A-R zoning district, including the raising and selling of crops and/or livestock, is exempt from the four (4) foot maximum height requirement, and exempt from the construction requirements of brick/brick veneer, stucco, synthetic stucco, rock, stone, cast-stone, wood, wrought iron, or other architecturally engineered facades which match these materials.
3. Walls and Fences in any residential or A-R zoning district;
  - a. On a corner lot, in order to reduce road noise, a solid wall and/or fence along a street which is classified as an Arterial or Collector per the Fayette County Thoroughfare Plan shall be exempt from the four (4) foot maximum height requirement and the 50 percent visibility requirement. However, this exemption shall not apply to the street which the front door of the residence is facing.
  - b. Where a temporary fence is used in conjunction with a construction site, said fence is exempt from the requirements of this section.
  - c. A fence required for a telecommunication tower site shall comply with the requirements of Article V. General Provisions, Telecommunication Antennas and Towers and shall be exempt from the requirements of this section.
  - d. A wall or fence used in conjunction with a storm water facility shall be exempt from the requirements of this section.

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- e. A wall or fence used in conjunction with any non-residential Permitted Use or Conditional Use, including but not limited to: an Animal Hospital, Kennel; Cemetery and Mausoleum; Church, Temple, or Place of Worship; Colleges and Universities; Day Care Facility; School, Private; Telephone, and Electric or Gas Sub-Station or other Public Utility Facilities shall be exempt from the requirements of this section.

- f. With regard to the location of a wall or fence, a through lot shall be exempt from the four (4) foot maximum height requirement and the minimum 50 percent visibility requirement except for the area between the street from which the lot is accessed and the front building line which shall be treated as a front yard.

E. Residential and Nonresidential Subdivision Entrance Walls and Fences.

Subdivision Entrance Walls and Fences shall be placed on common property under the ownership of the Home Owners Association (HOA) or the Property Owners Association (POA). Common property shall be shown on the Preliminary Plat and/or Final Plat. Said walls and fences shall not be subject to the four (4) foot height or 50 percent (~~50%~~) visibility requirements, but shall be constructed of brick/brick veneer, stucco, synthetic stucco, rock, stone, cast-stone, wood, wrought iron, or other architecturally engineered facades which match these materials.

(Note: (Check with the Building Permits & Inspections Department for any permitting requirements for walls/fences/subdivision entrances.)

F. Nonconformance.

All walls and fences which were lawfully built and existing on October 1, 2008, and which do not conform with the provisions of this Article, shall be allowed to remain in place and shall be considered to be a legally existing non-conforming wall or fence. Additionally, any walls or fences built prior to October 1, 2008, that were in compliance with all codes and ordinances when it was built except for the height of the wall or fence, and which do not conform with the provisions of this Article, shall be considered a legally existing non-conforming wall or fence and shall be allowed to remain in place. All walls and fences built after October 1, 2008, shall comply with this Article.

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5-20. Nonresidential Screening Required. Any outside service area, refuse/~~dumpster~~ area, storage area or outside equipment area shall be screened from view in accordance with ~~Section 5-19~~ Article V.

5-21. Refuse/dumpster area. The refuse/dumpster area shall be located to the side or rear yard of the principal structure, comply with the setbacks and/or buffer requirements, and be screened per Article V.

5-22. Screening Standards. Walls and fences or combinations thereof shall achieve a 100 percent

screen prior to the issuance of a Certificate of Occupancy. Walls and fences required for screening purposes shall be limited to wood, brick, stone, concrete or concrete block (with architectural treatment), or any such wall or fence combined with vegetative screening materials which shall be compatible with or enhance the appearance of adjoining properties. Chain link fences with wooden, metal, or vinyl inserts may be utilized to establish a screen in the M-1 and M-2 Zoning Districts.

- 5-23. Side and Rear Yards Not Required Next to Railroad. Within any non-residential zoning district, side yards and rear yards shall not be required adjacent to railroad rights-of-way.
- 5-24. Nonconforming Lot of Record. Any unimproved nonconforming lot of record existing prior to the adoption of this Ordinance (November 13, 1980) which has an area or a width which is less than that required by this Ordinance may be used as a building site for a principal structure permitted in that zoning district. All other structures and uses ~~must~~ shall conform to the applicable regulations contained herein.
- 5-25. Structures Permitted Above the Height Limit. ~~The height limits shall not apply to a church spire, belfry, cupola, dome or ornamental tower not intended for human occupancy, monument, water tower, observation tower, chimney, smoke stack, conveyer, mast or aerial, parapet wall not extending more than four (4) feet above the roof line of the building, and necessary mechanical appurtenances. A freestanding flagpole is also permitted above the height limit, provided the total height is under 70 feet. Total height shall be measured from the finished grade at the location of the flagpole to the highest point.~~ *The height limit shall not apply to structures and architectural features not intended for human occupancy, including, but not limited to, a church spire, belfry, cupola, dome, monument, water tower, observation tower, chimney, smoke stack, conveyer, mast or aerial, heating ventilation and air conditioning (HVAC) equipment, elevator equipment, roofed solar panels, satellite/communications equipment, and parapet wall not extending more than four (4) feet above the roof line of the building.* (Amended 09/26/02).

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- 5-26. Permitted Encroachments of Yards and Setbacks. Architectural features such as cornices, eaves, steps, gutters, and fire escapes may project not more than three (3) feet beyond any required setback line, except where such projections would obstruct driveways. In the case of automobile service stations, hotels, and similar uses which service the motoring public, canopies shall be allowed over a driveway or walkway ~~within the front yard not to extend from the principal building to a point any closer than fifteen (15) feet from the right-of-way.~~ One (1) flagpole per lot shall also be allowed to encroach into the front yard setback, provided it is located not less than ~~fifteen (15)~~ 15 feet from the right-of-way. Flagpoles which encroach the front yard setback shall be required to have a signed and sealed affidavit from an architect or engineer registered in the State of Georgia with the actual location and

setback of the flagpole and inspection approval of the footing to be submitted to the Planning and Zoning Department prior to placement of the flagpole. (Amended 09/26/02)

- ~~5-24. Lots with Well and/or Private Sewage System. Any lot upon which both an individual well and septic tank or private sewage system are to be provided shall be governed by Title 31 of the Official Code of Georgia Annotated, entitled "Health", and shall be further governed by the Georgia Department of Human Resources Rules and Regulations for Individual Sewage Disposal Systems and by the rules and regulations of the Fayette County Health Department as amended and the Fayette County Water System, if applicable. Lots using both well and septic tank systems shall not be less than one and one-half (1.5) acres in size.~~

Tim Thoms asked where this regulation was relocated in the ordinance.

Pete Frisina explained this regulation is currently included in each of the applicable zoning districts in Article VI.

- ~~5-25. Regulations for Drip Irrigation Systems. All drip irrigation systems shall comply with those regulations entitled "Land Application by Drip Irrigation" which have been proposed by the water protection branch of the Environmental Protection Division, Department of Natural Resources for the State of Georgia, revised as of May 1, 1995, and as hereinafter amended, and containing the local amendment entitled "Sanitary Sewer System Specifications"; such rules and regulations being adopted hereby in their entirety by this reference.~~

Pete Frisina advised the State publications listed above are no longer in existence; however, regulations for drip irrigation systems will be regulated under the County Code.

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- ~~5-26. Operation of Sanitary Landfills. Private landfills shall be certified and monitored by the Georgia Department of Natural Resources. Permits for the hauling of garbage shall be obtained from the Board of Commissioners of Fayette County.~~
- 5-27. Requirements for Moving a Building. No dwelling unit or other permanent structure shall be relocated in the County unless, when relocated, it meets all requirements herein and other applicable County code requirements.
- 5-28. Buildings Under Construction. Nothing in this Ordinance shall require any change in the construction or intended use of a building which is legally under construction or for which a building permit has been issued as of the effective date of this Ordinance, including



amendments, and the construction of which shall be diligently pursued until completion.

01/23/09 – BOC Retreat

04/16/09 – PC Wkshop (Parcel or Tract changed to Lot) (Section 5-29. thru 5-47.)

05/21/09 – PC Wkshop

11/19/09 – PC Wkshop

- 5-29. Office Trailer. The temporary use of an office trailer shall require a permit to be issued by the Zoning Administrator prior to locating the trailer on a site. Said permit shall require a fee as established by the Board of Commissioners of Fayette County and shall specify the precise location of the trailer. Said permit shall be issued for a six (6) month period. Renewals of additional six (6) month periods are available so long as the applicant possesses a current building permit for property within the development. The trailer shall be identified by a sign denoting the name of the business for which it is being used.
- 5-30. Temporary Classrooms. The temporary use of ~~industrialized buildings~~ a trailer for classrooms shall require a permit issued by the Zoning Administrator. Said permit shall require a fee established by the Board of Commissioners. It ~~must~~ shall be demonstrated on a site plan that such a use will comply with all zoning requirements. Required on-site parking for temporary classrooms ~~must~~ shall be provided prior to the issuance of any temporary classroom permit. Each industrialized building ~~must~~ shall be approved for occupancy by the Fire Marshal. Site is defined, for the purpose of this Section, to be the entire area indicated on an approved overall site plan. (Amended 12/09/99)

Tim Thoms suggested changing “industrialized building” to “trailer” in the above reference.

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Initial Placement of Temporary Classrooms. Upon the issuance of a building permit for the principal structure on site, a maximum of four (4) temporary classroom permits may be issued for a period not to exceed two (2) years, or ~~thirty (30)~~ 30 days after the issuance of any type of Certificate of Occupancy on site should that occur prior to the two (2) year deadline. (Adopted 12/09/99)

Subsequent Placement of Temporary Classrooms. Upon issuance of a building permit for an expansion on-site, additional temporary classroom permits may be issued, the number of which shall be based on the following: one (1) temporary classroom per 2,000 square feet of proposed addition devoted to classroom use, with a maximum of four (4) temporary classrooms. Subsequent temporary classroom permits may be issued for the expansion period and shall expire in one (1) year, and may be renewed for a six (6) month period due to

documented construction delays, with no further extensions. (Adopted 12/09/99)

- 5-31. **Recreational Vehicle. One (1) recreational vehicle, when utilized for occupancy, shall be allowed to be parked in any zoning district on a lot which contains a single-family dwelling or in any residential zoning district. The duration shall not exceed 14 day and said duration shall be allowed two (2) times per year.**

Tim Thoms stated he was not in favor of the above requirement.

Pete Frisina suggested adding “temporary” before the word “occupancy”. He stated this provision would assist Staff with enforcement. He stated “day” should be changed to “days”.

- 5-32. **Outside Storage.** Outside storage of merchandise, equipment, ~~and parts,~~ **and refuse area** shall be allowed in the side and rear yards subject to such requirements to the extent indicated below as long as such storage is screened in accordance with ~~Section 5-19~~ **Article V.** Storage contained in a structure which is not enclosed by walls shall be deemed outside storage. Outside storage is allowed only within the M-1, M-2, C-C, and C-H Zoning Districts. Within the C-C and C-H Zoning Districts outside storage is limited to no more than ~~twenty-five (25)~~ **25** percent of the floor area of all buildings.

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- 5-33. **Outside Storage Display Exempt from Screening.** Outside storage **display** of ~~motor vehicles/boats~~ for lease or sale **and manufactured homes** shall be exempt from the screening requirements of this Ordinance, subject to the minimum landscape and buffer requirements. Merchandise which is moved inside on a daily basis shall be exempt from the screening requirements; however, such display ~~must~~ **shall** comply with all minimum landscape and buffer requirements. **Outside Sales Display shall be exempt from screening; however, the Outside Sales Display shall comply with the required setbacks, buffers and landscape requirements.**
- 5-32. **Manufactured Home Sales.** ~~In any zoning district wherein the sale of manufactured homes is permitted, the owner of said business shall be required to restore the site to its original condition after the business has ceased to function. Prior to commencing business, the owner shall file with the Board of Commissioners of Fayette County a site restoration plan detailing~~

~~the steps to be taken to restore the site. Further, prior to commencement of business, the owner of said business shall file with the Board of Commissioners of Fayette County a bond or letter of credit for the performance of said site restoration.~~

- 5-34. Parking of Business Vehicles. In any residential district, except A-R on lots of ten (10) acres or larger, no business vehicle exceeding 8,000 pounds (empty vehicle weight) shall be allowed to park either on lots so zoned or on streets abutting such lots except during daylight hours and only for the purpose of making deliveries, making pickups, and providing services. Business vehicles weighing less than 8,000 pounds shall not be parked on streets abutting such lots. This provision shall not be construed as restricting in any way the normal business vehicle activity associated with development and construction. **School buses shall be exempt (see Article III, Vehicle, Business). This provision shall not be allowed in conjunction with a Home Occupation (see Article VII).**
- 5-35. Access to Major Thoroughfares. Lots having driveway access to arterial and collector streets shall be provided with a convenient vehicle turn-around which shall be of adequate design to permit vehicles to enter such arterial or collector streets in a forward manner.
- 5-36. Raising and Keeping of Horses in Residential Districts. The raising and keeping of no more than one (1) horse on a lot consisting of a minimum of three (3) acres and one (1) additional horse for each additional acre shall be allowed on any lot for which single-family residential is a permitted use **(EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-20, PUD-PRD, and EST).** **An accessory structure related to the shelter of horses shall be allowed, so long as, such accessory structure complies with Article V. (Accessory Structures and Uses).** **The boarding of horses and commercial riding lessons shall be prohibited.**

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Tim Thoms pointed out EST was listed twice.

Bill Beckwith stated R-40 should also be added to the zoning districts.

Chairman Powell stated C-S should also be added to the zoning districts.

- 5-37. Mailbox Supports. **Mailbox supports shall be allowed within the right-of-way and shall comply with the United States Postal Service guidelines.** The use of massive supports that, when struck, could damage vehicles and cause serious injury to vehicle occupants, are prohibited. Concrete posts, brick bases, iron pipes and similar miscellaneous items such as farm equipment or supports filled with concrete cannot be used for mailbox supports. (Amended 02/25/99)
- 5-38. Site Plan Requirement. All proposed non-residential development shall be depicted on a Site

Plan consistent with the requirements listed in the Development Regulations.

- 5-39. ~~Administrative Variances and Modifications.~~ The Zoning Administrator shall have the authority to approve administrative variances regarding setbacks for an existing structure. Said administrative variance shall not exceed five (5) percent of the minimum setback requirements not to exceed a maximum of two (2) feet. ~~minor changes to plan elements, This shall not include setbacks required for Conditional Uses, dimensional requirements and conditions of zoning when the conditions in A. below exist:~~

- A. ~~Evaluation.~~ The evaluation of a request for a minor change to plan elements, dimensional requirements, landscape requirements, and conditions of zoning shall determine that:
1. ~~The basic design and concept expressed on approved plans or in County regulations have been preserved; and~~
  2. ~~The minor change is made necessary by:~~
    - a. ~~Discovery of topographic, geographic or geologic conditions that were unknown at the time of plan or plat approval; or~~
    - b. ~~Unforeseen developments, on or off the site, which impact the reasonableness of the plan element, dimensional requirement or condition of zoning.~~

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- B. ~~Limitations.~~ The Zoning Administrator shall have the authority to approve administrative variances and modifications of conditions not to exceed twenty (20) percent of the stated requirements:
1. ~~Required buffers between lots identified for industrial, commercial, and office institutional uses on the Land Use Plan may be reduced to twelve (12) foot deep landscape areas; and~~
  2. ~~Front and side yards adjoining major thoroughfares shall not be administratively reduced by more than five (5) percent.~~

Chairman Powell suggested adjourning the meeting and to begin at Section 5-40. on December 3, 2009.

\* \* \* \* \*

Chairman Powell asked if there was any further business.

Pete Frisina advised there would be a short Public Hearing in December to vote on the Minutes followed by a Workshop/Public Meeting.

Hearing no further business, Tim Thoms made a motion to adjourn the Public Meeting/Workshop. Bill Beckwith seconded the motion. The motion unanimously passed 5-0. The Public Meeting/Workshop adjourned at 8:54 P.M.

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

**ATTEST:**

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**DOUG POWELL  
CHAIRMAN**

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**ROBYN S. WILSON  
P.C. SECRETARY**